

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

18-cv-942 (JGK)

- against -

ORDER

NICHOLAS GENOVESE, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The defendant Genovese filed a document, dated December 21, 2020, and received by the Court on January 6, 2021 (ECF No. 72). The SEC responded on January 8, 2021 (ECF. No. 73).

In ECF No. 72, the defendant asks to be sent a copy of ECF No. 68. ECF No. 68 is the defendant's Notice of Appeal from the Magistrate Judge's November 10, 2020 Order (ECF No. 67). It appears that the defendant really seeks ECF No. 67. In ECF No. 67, the Magistrate Judge construed the defendant's September 20, 2020 letter as a request for reconsideration of various previous orders denying the defendant's request for various discovery. The Magistrate Judge denied that motion and reminded the defendant Genovese that he could explain, in response to the pending motion for summary judgment, why he believed that he could not present "facts essential to justify [his] opposition" to the pending motion for summary judgment.

In ECF No. 72, the defendant Genovese makes 3 requests. First, he asks that various prior orders of the Magistrate Judge

be vacated and the case be "remanded" back to the Magistrate Judge. That request is DENIED. The defendant has failed to explain why the prior orders of the Magistrate Judge were clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a). In any event, as the Magistrate Judge explained in ECF No. 67, the defendant appears to be objecting to the decision not to allow various requests for discovery, and the defendant can raise that objection in response to the pending motion for summary judgment. In any event, the Court will grant the defendant additional time to support any objections to ECF No. 67.

Second, the defendant asks that the Court send the defendant a copy of ECF. No. 68. That request is GRANTED. The Court will send the defendant a copy of ECF No. 68, as well as ECF No. 67 which the defendant is probably seeking.

Third, the defendant seeks an extension of time to respond to the SEC's pending motion for summary judgment. Although the court has previously granted such an extension, the Court will grant another extension. That request is GRANTED.

Therefore, the defendant may file any further papers objecting to the Magistrate Judge's November 10, 2020 Order (ECF. No. 67) by **February 1, 2021**. The SEC may respond by **February 12, 2021**. The time for the defendant to respond to the SEC's pending motion to summary judgment is extended to **February**

22, 2021. The time for the SEC to reply is extended to **March 12, 2021.**

Chambers will mail a copy of this Order, and ECF Nos. 67 and 68 to the defendant. The Clerk is directed to close Docket No. 72.

SO ORDERED.

**Dated: New York, New York
January 19, 2021**

/s/ John G. Koeltl
John G. Koeltl
United States District Judge